

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 7, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. Mayor Murphy recessed the regular meeting at 3:03 p.m. to convene the Budget Hearing. The meeting was reconvened by Mayor Murphy at 6:30 p.m. with all members present and District 6 vacant. Mayor Murphy adjourned the meeting at 6:35 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District 6-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District 6-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Jon Cabrera of
Set Free Baptist Church

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

4/16/2001

4/17/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A026-030.)

MOTION BY ATKINS TO APPROVE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Asian Pacific Islander Heritage Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1439) ADOPTED AS RESOLUTION R-294823

Proclaiming May 2001 to be "Asian Pacific Islander Heritage Month" in recognition of the Asian and Pacific Islander communities of San Diego and their commitment to the preservation of their cultures and traditions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-112.)

MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Walt Hall commented on the fact that in August 1999, the Natural Resources Cultural Committee of the City of San Diego and the City Council both voted unanimously to fund and repair Coast Walk and the Children's Pool to the Climbing Wall. Mr. Hall asked what has happened to the funds that were approved for this project. He pointed out that to date, the work has not been done, and wants to know where the money is to repair the Coast Walk.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A280-333.)

PUBLIC COMMENT-2:

Linda Smith commented that past administrations have not made the elderly and the disabled the highest priority, feared civil rights are being violated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A334-379)

PUBLIC COMMENT-3:

Steve McWilliams from the Medical Cannabis Task Force commented on the fact that throughout the City of San Diego, the medical cannabis laws through Prop 215 have been implemented and that Appellate Court decisions have shown the way for that work. He further stated that the City has an obligation to obey state law, to implement Appellate Court decisions, and to make marijuana available to people who have a medical necessity or a medical right to it with a physician's recommendation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-429.)

PUBLIC COMMENT-4:

Don Stillwell commented on the question "What Is The Truth?"

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A430-482.)

PUBLIC COMMENT-5:

Gina De Carlo commented on the impact of seniors having to move from De Anza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A483-513.)

PUBLIC COMMENT-6:

Glenn MacNary commented on the taxi cab hearings, that the Council should adopt standards for the drivers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A514-532.)

PUBLIC COMMENT-7: Referred to City Manager

Comments by Ed Harris, Quentin Norman and Jennifer Shelden regarding comments that were made at the Civil Service Commission hearing last Thursday as they pertain to the San Diego Regional Lifeguard Academy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A533-618.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Deputy Mayor Stevens commented on the location of Pepsi machines and whether we are using proper discretion as to their locations, as well as their funding.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A650-699.)

- * ITEM-50: Three actions related to the Results of April 17, 2001 Council District 6 Special Election and Calling Special Run-Off Election on June 5, 2001.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinance in Subitem B; adopt the resolutions in Subitem A and Subitem C:

Subitem-A: (R-2001-1419) ADOPTED AS RESOLUTION R-294824

Declaring the results of the Special Election held in Council District 6 on Tuesday, April 17, 2001.

Subitem-B: (O-2001-140) ADOPTED AS ORDINANCE O-18939 (New Series)

Introduction and adoption of an Ordinance ordering, calling, providing for and giving notice of a Special Run-Off Election to be held in Council District 6 for the purpose of filling a vacancy in the Office of Council District 6 in the City of San Diego on June 5, 2001.

Subitem-C: (R-2001-1420) ADOPTED AS RESOLUTION R-294825

Requesting services of the County Registrar of Voters for the Special Run-Off Election to be held in the City of San Diego on June 5, 2001.

CITY CLERK SUPPORTING INFORMATION:

A Special Election was held April 17, 2001, for the purpose of submitting candidates for the office of Councilmember for District Six (6) to the voters of the Council District. No candidate received the majority of votes cast, therefore, a Special Run-Off election must be held within forty-nine days of the first special election.

Item A: The results of this election have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Item B: City Council to call for Special Run-Off Election to be held on Tuesday, June 5, 2001.

Abdelnour

Aud. Cert. 2101102.

FILE LOCATION: Subitems A-C: MEET

COUNCIL ACTION: (Tape location: B020-027.)

CONSENT MOTION BY ATKINS TO ADOPT THE RESOLUTIONS AND
INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE.
Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea,
Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor
Murphy-yea.

* ITEM-51: Office Space Lease Agreement with 3rd Works, LLC.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/23/2001. (Council voted 8-0.
District 6 vacant.):

(O-2001-133) ADOPTED AS ORDINANCE O-18940 (New Series)

Authorizing the City Manager to execute a Lease Agreement with 3rd Works for
space in the Crabtree Building, located at 303 A Street, Suite 403. The space to
be leased consists of approximately 2,034 rentable square feet and five (5)
reserved parking spaces. The initial rent is \$2,969.20 per month, which includes
office space rent at \$1.30 per square foot and five (5) reserved spaces at \$65 per
space per month, commencing March 21, 2001, and terminating March 20, 2004.
The total annual rent paid to the City for the first year will be \$29,403.73 which
shall be deposited into the General Fund.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-3rd Works, LLC

COUNCIL ACTION: (Tape location: B025-B027.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1331) ADOPTED AS RESOLUTION R-294826

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: B028-027.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S400: Public Service Recognition Week 2001.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1423) ADOPTED AS RESOLUTION R-294827

Recognizing and applauding all City of San Diego employees for their outstanding service and commitment to excellence;

Proclaiming May 7 through May 13, 2001 to be "Public Service Recognition Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A115-191.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

ITEM-S401: Lorraine Marshall Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1316) ADOPTED AS RESOLUTION R-294828

Commending Lorraine Marshall for her service and contributions to the City of San Diego;

Proclaiming May 7, 2001 to be "Lorraine Marshall Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A192-267.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

NON-DOCKET ITEMS:

ITEM-ND-1:

Request by City Attorney Casey Gwinn, under the Brown Act, Government Code Section 954.2, to refer the matter of De Leon v. Barragan, Superior Court Case No. 729695 to Closed Session on Tuesday, May 8, 2001, to discuss a settlement offer.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: (C035-040.)

MOTION BY COMMON CONSENT TO ACCEPT THE ITEM FOR CONSIDERATION. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY INZUNZA TO APPROVE THE ITEM TO BE HEARD IN CLOSED SESSION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:35 p.m. in honor of the memory of:

Norma Hamm as requested by Council Member Toni Atkins; and
Irving Rosen as requested by Council Member Brian Maienschein.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F380-400.)